

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
)
Buchanan for President, Inc.,) Audit Referral #02-11
and Angela M. "Bay" Buchanan,)
as treasurer;)
)
)

MUR # 5430

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on March 9, 2004, do hereby certify that the Commission took the following actions with respect to Audit Referral #02-11:

A. Failed by a vote of 3-3 to pass a motion to:

1. Open a Matter Under Review.
2. Find reason to believe that the 1996 Buchanan Primary Committee ("Buchanan for President, Inc."), and Angela M. "Bay" Buchanan, as treasurer, knowingly and willfully violated 2 U.S.C. § 432(h) by failing to designate a depository with respect to the Buchanan Fund account, and by failing to deposit receipts into and make disbursements from an account in a designated depository.

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3. Find reason to believe that Buchanan for President, Inc., and Angela M. "Bay" Buchanan, as treasurer, knowingly and willfully violated 2 U.S.C. § 434(b) by failing to comply with the reporting requirements for the Buchanan Fund account activity.
4. Find reason to believe that Buchanan for President, Inc., and Angela M. "Bay" Buchanan, as treasurer, knowingly and willfully violated 2 U.S.C. § 441a(f) by accepting a total of \$49,867 in contributions to that committee's Buchanan Fund account.
5. Find reason to believe that Buchanan for President, Inc., and Angela M. "Bay" Buchanan, as treasurer, violated 2 U.S.C. § 441a(f) by accepting a total of \$14,483 in contributions to that committee's other account(s) (other than the Buchanan Fund) in excess of the \$1,000 individual limitation.

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7.

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8.

9. Approve the Factual and Legal Analyses,
as recommended in the General Counsel's
Report dated February 23, 2004.

10. Approve the appropriate letter(s).

Commissioners Mason, McDonald, and Smith voted
affirmatively for the motion.

Commissioners Thomas, Toner, and Weintraub
dissented.

B. Decided by a vote of 4-2 to:

1. Open a Matter Under Review.
2. Find reason to believe that the 1996
Buchanan Primary Committee ("Buchanan
for President, Inc."), and Angela M.
"Bay" Buchanan, as treasurer, violated
2 U.S.C. § 432(h) by failing to designate
a depository with respect to the Buchanan
Fund account, and by failing to deposit
receipts into and make disbursements from
an account in a designated depository.

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3. Find reason to believe that Buchanan for President, Inc., and Angela M. "Bay" Buchanan, as treasurer, violated 2 U.S.C. § 434(b) by failing to comply with the reporting requirements for the Buchanan Fund account activity.
4. Find reason to believe that Buchanan for President, Inc., and Angela M. "Bay" Buchanan, as treasurer, violated 2 U.S.C. § 441a(f) by accepting a total of \$49,867 in contributions to that committee's Buchanan Fund account.
5. Find reason to believe that Buchanan for President, Inc., and Angela M. "Bay" Buchanan, as treasurer, violated 2 U.S.C. § 441a(f) by accepting a total of \$14,483 in contributions to that committee's other account(s) (other than the Buchanan Fund) in excess of the \$1,000 individual limitation.
- 6.
- 7.

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8. Approve the Factual and Legal Analyses,
as recommended in the General Counsel's
Report dated February 23, 2004; subject
to the appropriate revisions.

9. Approve the appropriate letter(s).

Commissioners Mason, Thomas, Toner, and Weintraub
voted affirmatively for the decision.

Commissioners McDonald and Smith dissented.

Attest:

March 11, 2004
Date

Darlene Harris
Darlene Harris

Deputy Secretary of the Commission

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